UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,231	11/25/2003	Bradley R. Hammell	F-759	6693

919   7590   12/20/2010
PITNEY BOWES INC.
INTELLECTUAL PROPERTY & TECH. LAW DEPT.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON, CT 06484

EXAMINER
OBED, FAHD A

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
12/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iptl@pb.com

1   UNITED STATES PATENT AND TRADEMARK OFFICE
2   _____
3
4   BEFORE THE BOARD OF PATENT APPEALS
5   AND INTERFERENCES
6   _____
7
8   *Ex parte* BRADLEY R. HAMMELL
9   _____
10
11   Appeal 2009-006886
12   Application 10/722,231
13   Technology Center 3600
14   _____
15
16 Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and
17 JOSEPH A. FISCHETTI, *Administrative Patent Judges.*
18 FETTING, *Administrative Patent Judge.*

19   DECISION ON APPEAL[1]
20

STATEMENT OF THE CASE[2]

Bradley R. Hammell (Appellant) seeks review under 35 U.S.C. § 134 (2002) of a final rejection of claims 1-20, the only claims pending in the application on appeal.

We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The Appellant invented a way of providing status inquiries regarding delivery of shipments (Specification 1:¶ 0001).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

> 1. A method for a user to find pinpoint status of a shipment
> being transported by a carrier, comprising the steps of:
> [1] clicking on a shipment pinpoint symbol on a computer
> screen;
> [2] connecting automatically to an internet or private
> network, if a connection is not already established;
> [3] sending automatically a shipping pinpoint inquiry to the
> carrier via the internet or private network;

---

[2] Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed September 2, 2008) and the Examiner's Answer ("Ans.," mailed October 17, 2008).

[4] requesting a pinpoint location of the shipment in
response to the shipping status inquiry; and

[5] receiving the requested pinpoint location of the shipment
to the computer screen,

[6] wherein the pinpoint location identifies a position
between checkpoints at each of which shipment presence is
monitored regardless of user inquiries.

The Examiner relies upon the following prior art:

| Williams | US 2002/0032573 A1 | Mar. 14, 2002 |
| Bednarek | US 6,965,868 B1 | Nov. 15, 2005 |

Claims 1-3 and 5-20 stand rejected under 35 U.S.C. § 102(b) as
anticipated by Williams.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as unpatentable over
Williams and Bednarek.

ISSUES

The issues are whether Williams describes retrieving geographic
pinpoint data and whether Williams describes various limitations in claims
6, 11, 19, and 20.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be
supported by a preponderance of the evidence.

Facts Related to Claim Construction

01.   Pinpoint status means any shipment status that provides greater
accuracy than checkpoint status. The checkpoint status comprises

3

information as to whether a shipment has reached or been scanned at one or more discrete points. Specification ¶ 0026.

Facts Related to Appellant's Disclosure

02. When a pinpoint inquiry is sent, the carrier ascertains a pinpoint location of the shipment between checkpoints. This may be done, with a global positioning satellite (GPS) device, and then the carrier can plot the GPS coordinates on a map and present the map to the user. Specification ¶ 0022.

03. The user clicks on the pinpoint symbol to actually cause the carrier to find out where the shipment is located between checkpoints. Specification ¶ 0024.

Facts Related to the Prior Art

Williams

04. Williams is directed to providing enterprises with online, multi-parcel, multi-carrier, multi-service enterprise parcel shipping management. Williams ¶ 0017.

05. Williams shows exemplary screen shots of entering shipping information. Several fields are for entry of "shipment" information, such as number of packages in shipment and delivery

1   address for shipment. Other fields include those for selection of

2   the priority of shipment and carrier. Williams 101, 110, and 120.[3]

3   06.   When a Shipper ships a package using Williams, one or more

4   of the System's Servers create a new System tracking number.

5   When a new System tracking number is created, one of the

6   System's Database Servers adds a new package record with the

7   newly created System tracking number to a Package Table.

8   Williams ¶ 0539.

9   07.   In one embodiment, Williams' Server will track the package

10   using the Carrier's Internet tracking routine. Williams ¶ 0564. If

11   the Carrier returns a valid tracking response, the Server updates

12   the package status in the Server Database with the tracking

13   response and returns the detailed package information to the Web

14   Client of the requesting user/Shipper. Williams ¶ 0565.

15   08.   Williams sends an e-mail notifying that a package has been

16   sent. The User can enter a message or the System sends a standard

17   message. Williams ¶ 0258 and 497-498. One of ordinary skill

18   understood that an automated loading of e-mail by a system

19   process rather than by a user occurred in background processing,

20   since the user was not involved.

---

[3] Although these pages in Williams contain graphic images, these pages are not part of the drawing section of Williams.

ANALYSIS

Claims 1-3 and 5-20 rejected under 35 U.S.C. § 102(b) as anticipated by
Williams.

Claim 1 is the parent to claims 2, 3, and 5. Claim 1 recites receiving the requested pinpoint location of the shipment to the computer screen. The Appellant argues that Williams does not describe this. Appeal Br. 9-11. The Appellant contends that the Specification makes it clear that pinpoint information is positional information between checkpoints. We agree. FF 01 - 03. We also find that independent claim 13 and its dependent claims 14-16 contain a similar limitation.

The Examiner has not made any findings that Williams describes such positional information. The Examiner found that Williams described providing detailed information. Ans. 8. The Examiner made no findings that the detailed information in Williams was positional pinpoint information. Therefore, we will not sustain the rejection of these claims 1-3, 5, and 13-16.

Claim 6 is the parent to claims 7-12 and 17-20. Claim 6 recites receiving a type of shipment selection. The Examiner found that Williams showed examples of this at Williams 101, 110, and 120, which show exemplary screen shots with fields for "shipment" data. The Appellant argues that the activity in Williams is pre-shipment activity. Appeal Br. 12. This is a distinction without a difference. The claim requires "receiving a type of shipment selection." The claim does not specify when the receipt occurs, and certainly does not preclude information regarding prospective

1   shipments. Information about a shipment prior to the actual movement of a

2   package still provides information about that shipment.

3   Claim 11, in combination with its parent claims 6 and 8, requires

4   replacing or modifying a file that includes markup language and that

5   includes at least one link to shipment tracking information, and that

6   modification be implemented at least partly by the carrier or by the

7   additional carrier. The Examiner found that Williams described this on page

8   30 in paragraphs 539-541 and 544. Ans. 6. The Appellant contends

9   Williams' system server performs the modification rather than a carrier.

10 Appeal Br. 12. Williams at paragraph 0539 shows that both the Examiner

11 and Appellant are correct. FF 06. The modification occurs on a system

12 server, but based on the action of the carrier. Thus, the requirement of claim

13 11 is met.

14   Claim 19 requires that the program stored in the user device displays a

15 location message when a delivery vehicle is a first distance from a delivery

16 location associated with the shipment. The Examiner found that Williams

17 described this at paragraph 0565. Ans. 6-7. The Appellant contends this is

18 not shown. Ans. 12. This portion of Williams describes updating tracking

19 information using the Carrier's Internet tracking routine. The Server updates

20 the package status in the Server Database with the tracking response when

21 tracking information is received. As tracking information is received when

22 various checkpoints are reached, and each checkpoint is a delivery location

23 associated with the shipment, Williams' user device displays a location

24 message when a delivery vehicle is a first distance (zero) from a delivery

25 location associated with the shipment.

Claim 20 requires that the program stored in the user device is loaded as a background process after the status indication changes. The Examiner found that Williams described this in paragraphs 0258 and 495-497 with Fig. 27. Ans. 7. The Appellant contends this is not shown. Ans. 12. Williams describes loading an e-mail message in background to notify of shipment information. FF 08.

None of the remaining claims 7-10, 12, 17, and 18 depending from claim 6 are separately argued.

Claim 4 rejected under 35 U.S.C. § 103(a) as unpatentable over Williams
and Bednarek.

Claim 4 depends from claim 1 and Bednarek does not remedy the deficiency in Williams. Thus, the rejection of claim 4 also fails to have a prima facie case.

CONCLUSIONS OF LAW

Rejecting claims 1-3, 5, and 13-16 under 35 U.S.C. § 102(b) as anticipated by Williams is in error.

Rejecting claims 6-12 and 17-20 under 35 U.S.C. § 102(b) as anticipated by Williams is not in error.

Rejecting claim 4 under 35 U.S.C. § 103(a) as unpatentable over Williams and Bednarek is in error.

DECISION

To summarize, our decision is as follows.

- The rejection of claims 1-3, 5, and 13-16 under 35 U.S.C. § 102(b) as anticipated by Williams is not sustained.

- The rejection of claims 6-12 and 17-20 under 35 U.S.C. § 102(b) as anticipated by Williams is sustained.

- The rejection of claim 4 under 35 U.S.C. § 103(a) as unpatentable over Williams and Bednarek is not sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED-IN-PART

mev

Address

PITNEY BOWES INC.
INTELLECTUAL PROPERTY & TECH. LAW DEPT.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON CT 06484